

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02840-RBW**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
JUSTICE et al
Assigned to: Judge Reggie B. Walton
Cause: 05:552 Freedom of Information Act

Date Filed: 12/04/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **April Sun**
GOODWIN PROCTER LLP
3 Embarcadero Center
San Francisco, CA 94111
(415) 733-6000
Fax: (415) 677-9041
Email: asun@goodwinlaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Glenn S. Kerner
GOODWIN PROCTER, LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
(212) 459-7460
Fax: (212) 355-3333
Email: Gkerner@goodwinlaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kimberly Prior
Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
(617)570-3907
Fax: (617)523-1231
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Austin Ridgely Evers
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5245
Fax: (202) 871-6523
Email: austin.evers@americanoversight.org
ATTORNEY TO BE NOTICED

Joseph Francis Yenouskas
GOODWIN PROCTER, LLP
901 New York Avenue, NW
Suite 900, 9th Floor East
Washington, DC 20001
(202) 346-4000
Fax: (202) 346-4444
Email: jyenouskas@goodwinlaw.com

ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Marina Utgoff Braswell**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
501 3rd St., NW
Washington, DC 20530
(202) 252-2561
Fax: (202) 252-2599
Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. MARSHALS SERVICE

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**ADMINISTRATION FOR
CHILDREN AND FAMILIES**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. CUSTOMS AND BORDER
PROTECTION**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. CITIZENSHIP AND
IMMIGRATION SERVICES**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**OFFICE OF MANAGEMENT AND
BUDGET**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/04/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5821905) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Civil Cover Sheet, # <u>7</u> Summons)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT. (Yenouskas, Joseph) Modified event title on 12/17/2018 (znmw). (Entered: 12/04/2018)
12/04/2018	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Glenn S. Kerner, :Firm- Goodwin Procter LLP, :Address- 620 Eighth Avenue. Phone No. - (212)459-7460. Fax No. - (212)355-3333 Filing fee \$ 100, receipt number 0090-5822091. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Glenn S. Kerner, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018)
12/04/2018		Case Assigned to Judge Reggie B. Walton. (zef,) (Entered: 12/10/2018)
12/07/2018	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE filed by AMERICAN OVERSIGHT.(Yenouskas, Joseph) (Entered: 12/07/2018)
12/10/2018	<u>5</u>	SUMMONS (12) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 12/10/2018)
12/11/2018	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Kimberly Prior, :Firm- Goodwin Procter LLP, :Address- 100 Northern Avenue, Boston, MA 02210. Phone No. - (617)570-3907. Fax No. - (617)523-1231 Filing fee \$ 100, receipt number 0090-5833280. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Kimberly Prior, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/11/2018)
12/17/2018		MINUTE ORDER. The Court having considered the plaintiff's <u>3</u> Motion for Admission, Pro Hac Vice, of Glenn S. Kerner as Additional Counsel for Plaintiff, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under this Court's rules, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Glenn S. Kerner, Goodwin Procter LLP, 620 Eighth Avenue, New York, NY 10018, is ADMITTED to practice before the Court pro hac vice. Signed by Judge Reggie B. Walton on December 17, 2018. (lcrbw2) (Entered: 12/17/2018)
12/17/2018		MINUTE ORDER. The Court having considered the plaintiff's <u>6</u> Motion for Admission, Pro Hac Vice, of Kimberly Prior as Additional Counsel for Plaintiff, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under this Court's rules, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Kimberly Prior, Goodwin Procter LLP, 100 Northern Avenue, Boston, MA 02210, is ADMITTED to practice before the Court pro hac vice. Signed by Judge Reggie B. Walton on December 17, 2018. (lcrbw2) (Entered: 12/17/2018)
12/17/2018	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- April Sun, :Firm- Goodwin Procter LLP, :Address- 3 Embarcadero Center, San Francisco, CA 94111-4003. Phone No. - (415) 733-6000. Fax No. - (415) 677-9041 Filing fee \$ 100, receipt number 0090-5844004. Fee Status: Fee Paid. by AMERICAN

		OVERSIGHT (Attachments: # <u>1</u> Declaration of April Sun, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/17/2018)
12/18/2018		MINUTE ORDER. The Court having considered the plaintiff's <u>7</u> Motion for Admission, Pro Hac Vice, of April Sun as Additional Counsel for Plaintiff, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under this Court's rules, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that April Sun, Goodwin Procter LLP, 3 Embarcadero Center, San Francisco, CA 94111, is ADMITTED to practice before the Court pro hac vice. Signed by Judge Reggie B. Walton on December 18, 2018. (lcrbw2) (Entered: 12/18/2018)
12/26/2018	<u>8</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of All Defendants (Braswell, Marina) (Entered: 12/26/2018)
01/02/2019	<u>9</u>	NOTICE of Appearance by Austin Ridgely Evers on behalf of AMERICAN OVERSIGHT (Evers, Austin) (Entered: 01/02/2019)
01/10/2019	<u>10</u>	MOTION to Stay (<i>Defendants' Motion to Stay Proceedings in Light of Lapse in Appropriations</i>) by ADMINISTRATION FOR CHILDREN AND FAMILIES, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, OFFICE OF MANAGEMENT AND BUDGET, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. MARSHALS SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 01/10/2019)
01/11/2019		MINUTE ORDER. Upon consideration of the <u>10</u> Defendants' Motion to Stay Proceedings in Light of Lapse of Appropriations, and for good cause shown, it is hereby ORDERED that the motion is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED to the extent that the defendants seek to vacate the impending deadlines in this case. The motion is DENIED in all other respects. It is further ORDERED that the impending deadlines in this case are VACATED pending further Order of the Court. It is further ORDERED that, on or before January 28, 2019, the parties shall file a joint status report regarding how this case shall proceed. Signed by Judge Reggie B. Walton on January 11, 2019. (lcrbw2) (Entered: 01/11/2019)
01/11/2019	<u>11</u>	GENERAL ORDER. Signed by Judge Reggie B. Walton on January 11, 2019. (lcrbw2) (Entered: 01/11/2019)
01/11/2019		Set/Reset Deadlines: Joint Status Report due by 1/28/2019 (hs) (Entered: 01/11/2019)
01/23/2019		MINUTE ORDER. In light of the continued lapse in appropriations, it is hereby ORDERED that the previously imposed deadline for filing a joint status report on or before January 28, 2019, is VACATED. It is further ORDERED that, on or before fourteen days after appropriations have been restored, the parties shall file a joint status report proposing new deadlines in this case. Signed by Judge Reggie B. Walton on January 23, 2019. (lcrbw2) (Entered: 01/23/2019)
02/08/2019	<u>12</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Yenouskas, Joseph) (Entered: 02/08/2019)
02/11/2019		MINUTE ORDER. Upon consideration of the parties' <u>12</u> Joint Status Report, and for good cause shown, it is hereby ORDERED that, on or before March 5, 2019, the defendants shall respond to the plaintiff's Complaint. It is further ORDERED that, on or before March 15, 2019, the parties shall file an additional joint status report advising the Court of the status of the processing of the plaintiff's Freedom of Information Act ("FOIA") request and proposing a schedule for further proceedings. Signed by Judge Reggie B. Walton on February 11, 2019. (lcrbw2) (Entered: 02/11/2019)
02/11/2019		Set/Reset Deadlines: Responses to the Complaint due by 3/5/2019, Joint Status Report due by 3/15/2019 (hs) (Entered: 02/11/2019)
03/04/2019	<u>13</u>	ENTERED IN ERROR. . . .NOTICE of Filing Proof of Service by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u>

		Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Yenouskas, Joseph) Modified on 3/5/2019 (ztd). (Entered: 03/04/2019)
03/05/2019		NOTICE OF ERROR re <u>13</u> Notice (Other); emailed to jyenouskas@goodwinlaw.com, cc'd 8 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. Please use the event under Service of Process, Summons Returned Executed as to. . . (ztd,) (Entered: 03/05/2019)
03/05/2019	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/17/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ADMINISTRATION FOR CHILDREN AND FAMILIES served on 12/19/2018; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW served on 12/17/2018; OFFICE OF MANAGEMENT AND BUDGET served on 12/19/2018; U.S. CITIZENSHIP AND IMMIGRATION SERVICES served on 12/17/2018; U.S. CUSTOMS AND BORDER PROTECTION served on 12/17/2018; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 12/17/2018; U.S. DEPARTMENT OF HOMELAND SECURITY served on 12/17/2018; U.S. DEPARTMENT OF JUSTICE served on 12/17/2018; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT served on 12/17/2018; U.S. MARSHALS SERVICE served on 12/17/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/12/2018. (Answer due for ALL FEDERAL DEFENDANTS by 1/11/2019.) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Yenouskas, Joseph) (Entered: 03/05/2019)
03/05/2019	<u>15</u>	ANSWER to Complaint by ADMINISTRATION FOR CHILDREN AND FAMILIES, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, OFFICE OF MANAGEMENT AND BUDGET, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. MARSHALS SERVICE.(Braswell, Marina) (Entered: 03/05/2019)
03/06/2019		MINUTE ORDER. To ensure the expeditious resolution of this action, and because this action qualifies as an exempted case under Local Civil Rule 16.3(b), it is hereby ORDERED that the parties shall file a joint proposed schedule governing further proceedings on or before March 27, 2019. Signed by Judge Reggie B. Walton on March 6, 2019. (lcrbw2) (Entered: 03/06/2019)
03/06/2019		MINUTE ORDER. It appearing unnecessary for the parties to submit a joint status report prior to March 27, 2019, it is hereby ORDERED that the Court's Minute Order dated February 11, 2019, is VACATED to the extent that it requires the parties to file a joint status report on or before March 15, 2019. Signed by Judge Reggie B. Walton on March 6, 2019. (lcrbw2) (Entered: 03/06/2019)
03/20/2019	<u>16</u>	Amended ANSWER to Complaint by ADMINISTRATION FOR CHILDREN AND FAMILIES, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, OFFICE OF MANAGEMENT AND BUDGET, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. MARSHALS SERVICE.(Braswell, Marina) (Entered: 03/20/2019)
03/27/2019	<u>17</u>	Joint STATUS REPORT by ADMINISTRATION FOR CHILDREN AND FAMILIES, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, OFFICE OF MANAGEMENT AND BUDGET, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. MARSHALS SERVICE. (Braswell, Marina) (Entered: 03/27/2019)

04/01/2019		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that, on or before April 26, 2019, the parties shall file an additional joint status report, advising the Court of, inter alia, the status of the processing and production of responsive documents retrieved in the defendants' searches. Signed by Judge Reggie B. Walton on April 1, 2019. (lcrbw2) (Entered: 04/01/2019)
04/01/2019		Set/Reset Deadlines: Joint Status Report due by 4/26/2019 (hs) (Entered: 04/01/2019)
04/26/2019	<u>18</u>	Joint STATUS REPORT by ADMINISTRATION FOR CHILDREN AND FAMILIES, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, OFFICE OF MANAGEMENT AND BUDGET, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. MARSHALS SERVICE. (Braswell, Marina) (Entered: 04/26/2019)